

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ANITA L. PERRY,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-13-801-M
)	
CAROLYN W. COLVIN,)	
Acting Commissioner of Social)	
Security Administration,)	
)	
Defendant.)	

ORDER

On February 02, 2015, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation in this action in which plaintiff seeks judicial review of the final decision of defendant Acting Commissioner of Social Security Administration (“Acting Commissioner”), denying plaintiff’s applications for benefits under the Social Security Act. The Magistrate Judge recommended the Commissioner’s decision in this matter be affirmed. The parties were advised of their right to object to the Report and Recommendation by February 17, 2015. Plaintiff has timely filed her objections.

In addition to her objections asserted in her opening and reply briefs, plaintiff objects to the Report and Recommendation on grounds that the Magistrate Judge erred in his analysis because the Magistrate Judge provided a selective discussion of the Administrative Law Judge’s (“ALJ”) own review of the medical evidence. In addition, plaintiff contends that the Magistrate Judge erred by finding the ALJ applied the proper legal standard to analyze plaintiff’s credibility, by failing to properly evaluate the record as a whole in determining whether the ALJ’s findings were actually supported by substantial evidence, and by failing to give proper consideration to Mr. Perry’s third-

party statement. Having carefully reviewed this matter de novo, the Court finds that the ALJ did not err in rejecting Dr. Marshall's opinion. In addition, the Court finds that the ALJ did not err in his determination of plaintiff's credibility. Specifically, the Court finds that in analyzing plaintiff's credibility, the ALJ applied correct legal standards, considered the relevant factors, and linked his findings to specific substantial evidence in the record. Lastly, the Court finds that the Magistrate Judge's finding that the ALJ's determination that the plaintiff was not disabled remains supported by substantial evidence, as does the ALJ's credibility determination, even after considering Mr. Perry's third-party statement report evidence not considered by the ALJ, is proper. The Court further finds the ALJ's decision in this case was not in error. Accordingly, the Court:

- (1) ADOPTS the thorough and well-reasoned Report and Recommendation [docket no. 19] issued by the Magistrate Judge on February 02, 2015, and
- (2) AFFIRMS the decision of the Acting Commissioner.

IT IS SO ORDERED this 27th day of February, 2015.


VICKI MILES-LAGRANGE
CHIEF UNITED STATES DISTRICT JUDGE